

13.04.330 - Wasting of water and drought emergencies.

A.

Applicability.

1. The provisions of this chapter apply to any person in the use of any potable water provided by the city.
2. The provisions of this chapter do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
3. The provisions of this chapter do not apply to the use of recycled water, with the exception of subsection B(1) of this section.
4. The provisions of this chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.
5. This chapter is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

B.

Prohibition Against Waste: The following water conservation requirements are effective at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

1. Limits on Watering Hours: Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard/Daylight Savings Time on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. Limit on Watering Duration: Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a seventy percent efficiency standard.
3. No Excessive Water Flow or Runoff: Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.
4. No Washing Down Hard or Paved Surfaces: Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.
5. Obligation to Fix Leaks, Breaks or Malfunctions: Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than ten days of receiving written notice from the city, is prohibited.
6. Recirculating Water Required for Water Fountains and Decorative Water Features: Operating a water fountain or other decorative water feature that does not use recirculated water is prohibited.
7. Limits on Washing Vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.
8. Drinking Water Served Upon Request Only: Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.
9. Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services: Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

10. No Installation of Single Pass Cooling Systems: Installation of single pass cooling systems is prohibited in buildings requesting new water service.
11. No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems: Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.
12. Restaurants Required to Use Water Conserving Dish Wash Spray Valves: Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
13. Commercial Car Wash Systems: Within one year of passage of the ordinance codified in this section, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the city.

C.

Level 1 Water Supply Shortage (eleven percent - twenty percent reduction): A Level 1 water supply shortage exists when the city council determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a eleven percent - twenty percent consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the city of a Level 1 water supply shortage condition, the following mandatory water conservation requirements, in addition to the prohibited uses of water set forth in subsection B of this section, shall apply during such time that the Level 1 water supply shortage is in effect.

1. Limits on Watering Days. Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three to five days per week (as necessary to achieve reductions as determined in the discretion of the superintendent) on a schedule established and posted by the city. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the city. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. Obligation to Fix Leaks, Breaks or Malfunctions. All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two hours of notification by the city unless other arrangements are made with the city.
3. No Washing Down Hard or Paved Surfaces. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

D.

Level 2 Water Supply Shortage (twenty-one percent - thirty-five reduction). A Level 2 water supply shortage exists when the city council declares, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a twenty-one percent - thirty-five consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration of a Level 2 water supply shortage condition, the following mandatory water conservation requirements, in addition to the prohibited uses of water set forth in subsections B and C of this section, shall apply during such time that the Level 1 water supply shortage is in effect.

1. Watering Days. Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week (as necessary to achieve reductions as determined in the discretion of the superintendent) on a schedule established and posted by the city. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the city. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. Obligation to Fix Leaks, Breaks or Malfunctions. All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight hours of notification by the city unless other arrangements are made with the city.
3. Limits on Filling Ornamental Lakes or Ponds. Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this section.

4. Limits on Washing Vehicles. Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited except at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.
5. Limits on Filling Residential Swimming Pools & Spas. Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

E.

Level 3 Water Supply Shortage - Emergency Condition (Greater than thirty-five percent reduction). A Level 3 water supply shortage shall be referred to as a water shortage emergency. A Level 3 condition exists when the city council declares, in its sole discretion, a water shortage emergency and notifies its residents and businesses that a greater than thirty-five percent reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety, pursuant to Water Code Section 350 et seq. Upon the declaration of a Level 3 water supply shortage condition, the following mandatory water conservation requirements, in addition to the prohibited uses of water set forth in subsections B, C and D of this section, shall apply during such time that the Level 3 water supply shortage is in effect:

1. No Watering or Irrigating. Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the city has determined that recycled water is available and may be applied to the use:
 - a. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
 - b. Maintenance of existing landscape necessary for fire protection;
 - c. Maintenance of existing landscape for soil erosion control;
 - d. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - e. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two days per week for no more than fifteen minutes watering per day per station and is prohibited between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard/Daylight Savings Time, according to the schedule established in subsection D(1) or this section.
 - f. Actively irrigated environmental mitigation projects.
2. Obligation to Fix Leaks, Breaks or Malfunctions. All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty-four hours of notification by the city unless other arrangements are made with the city.
3. Limits on New Potable Water Service: Upon declaration of a Level 3 water shortage emergency condition, the city may limit the issuance of new potable water services, temporary meters and/or statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates, or letters of availability), except under the following circumstances:
 - a. A valid, unexpired building permit has been issued for the project; or
 - b. The project is necessary to protect the public health, safety, and welfare; or
 - c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the city.
 - d. This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.
4. Limits on Building Permits. Upon declaration of a Level 3 water supply shortage emergency condition, the city manager is authorized to implement a program in his or her discretion to limit or withhold the issuance of building permits which require new or expanded water service, except to protect the public health, safety and welfare, or in cases which meet the city's adopted conservation offset requirements.
5. Discontinue Service. The city, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.
6. No New Annexations. Upon the declaration of a Level 3 water supply shortage condition, the city may suspend

consideration of annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any immediate increased use of water.

F.

Procedures for Determination/Notification of Water Supply Shortage. The existence of Level 1, Level 2 or Level 3 water supply shortage conditions may be declared by resolution of the city council adopted at a regular or special public meeting held in accordance with state law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3 conditions will take effect on the tenth day after the date the shortage level is declared. Within five days following the declaration of the shortage level, the city must publish a copy of the resolution in a newspaper used for publication of official notices.

G.

Hardship Waiver. If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirement as provided in this section.

1.

Application: Application for a waiver must be on a form prescribed by the superintendent and accompanied by a nonrefundable processing fee in an amount set by city council resolution.

2.

Supporting Documentation: The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3.

Required Findings for Waiver: The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property. An application for a waiver will be denied unless the superintendent finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the city or its agent, all of the following:

a.

That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;

b.

That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;

c.

That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the city to effectuate the purpose of this chapter and will not be detrimental to the public interest; and

d.

That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.

4.

Approval Authority: The superintendent must act upon any completed application no later than ten days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the superintendent shall be final.

(Ord. 1895 N.S. § 1, 2008: Ord. 30 N.S. § 4.10, 1948)

(Ord. No. 1932 N.S., § 5, 5-27-2009)